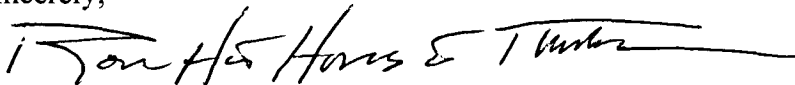


The Tribe has been informed that the manufacturers were able to achieve substantial consensus in developing the recommendations, which is encouraging. Nevertheless, Tribal governments must have a chance to comment on any significant amendments. Id. At present, the Commission's actual plans in relation to these rulemaking activities seem ambiguous to the Tribe. Under the circumstances:

1. if the Commission plans to proceed with both classification and technical standards regulations, we view it as essential that tribal governments have a full and fair opportunity to review both sets of regulations and offer additional comments, particularly since the two proposed rules are so closely related;
2. if the NIGC plans only to proceed with technical standards, we view it as essential that tribal governments have a full and fair opportunity to review and comment on the final proposal.

While the Tribe is hopeful that the Commission's decision to allow the manufacturers an opportunity for input produced results that will ultimately accrue to the benefit of tribal governments, the Commission's ultimate responsibility is to carry out its mission on a government-to-government basis with representatives of tribal governments. Id. Moreover, it is not at all unusual for federal agencies to publish multiple versions of the same proposed rule, particularly in rulemakings affecting substantial rights or resulting in serious economic impacts. In this case, both circumstances are present, so we assert that due process and the APA "logical outgrowth" rule weigh heavily in favor of the NIGC's republication of the technical standards for further comment after they are amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron His Horse Is Thunder". The signature is fluid and cursive, with a long horizontal line extending from the end.

Ron His Horse Is Thunder, Tribal Chairman
Standing Rock Sioux Tribe